

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RANDY DONK, GUN OWNERS OF)
AMERICA, INC., and GUN OWNERS)
FOUNDATION,)

Plaintiffs,)

v.)

Civil Action No. _____

MICHELLE LUJAN GRISHAM, in her)

official capacity as the Governor of)

New Mexico, PATRICK M. ALLEN, in)

his official capacity as the Cabinet Secretary)

of the New Mexico Department of Health,)

JASON R. BOWIE, in his official capacity)

as the Cabinet Secretary of the New Mexico)

Department of Public Safety, and W. TROY)

WEISLER, in his official capacity as the)

Chief of the New Mexico State Police,)

Defendants.)
_____)

DECLARATION OF RANDY DONK

1. My name is Randy Donk. I am an adult, a U.S. citizen, and a resident of New Mexico. I live in Bernalillo County, New Mexico.

2. I make this declaration in support of Plaintiffs' Complaint for Declaratory and Injunctive Relief. Unless otherwise stated, I make this declaration based on personal knowledge. If called as a witness, I can testify to the truth of the statements contained therein.

3. I am a law-abiding person, eligible under both state and federal law to possess firearms, and also eligible under state law to carry a concealed handgun. I am a gun owner, and own more than one firearm, including at least one handgun.

4. I am a member of Gun Owners of America, Inc.

5. I am licensed by the New Mexico Department of Public Safety to carry a concealed handgun and my license is current and valid.

6. I have been licensed by the State of New Mexico to carry a concealed handgun for over ten years, and have successfully passed those state background checks, as well as federal background checks when I purchase firearms. Additionally, I am a Sheriff's Volunteer. As a condition of this position, I was required to pass additional and more stringent background checks, which passed with no issues.

7. On September 8, 2023, I heard that the Governor of the State of New Mexico and the Secretary of the New Mexico Department of Health issued Orders attempting to suspend my ability to publicly carry my firearm, either openly or concealed.

8. I carry my handgun with me every day, and everywhere it is legal to do so. Basically, when I leave my house, even if only going into my front yard, I have my handgun on my person.

9. I live approximately 50 feet from Albuquerque, and travel into Albuquerque regularly to shop for groceries, spend leisure time, and eat at restaurants. I am also aware that there is an ordinance that purports to apply the City of Albuquerque's rules to those who live within 5 miles of the City, like I do. I thus am affected by the challenged actions in both the City of Albuquerque and Bernalillo County.

10. For instance, I frequently shop at Walmart in Albuquerque, and lawfully carry my handgun. I also go to restaurants, like Thai Spice in Albuquerque, and eat. These places I frequent allow firearms to be carried by individuals, like me, who are licensed to carry them.

11. I fully intend to ignore these Orders, because they are clearly unlawful and categorically unconstitutional, as they violate my Second Amendment right to bear arms in public, which the Supreme Court recently reaffirmed. I intend to carry my firearm in the regular places I normally carry, including stores such as Walmart and restaurants in Albuquerque such as Thai Spice.

12. I understand that the State Police will be enforcing these Orders, which could lead to them citing me, fining me, revoking my carry permit, and even prosecuting me criminally.

13. I am now in the position that my Governor and her Secretary have seen fit to suspend the Second Amendment to further an unconstitutional political agenda, placing me in the predicament of either choosing to give up my Constitutional right to public carry, or be cited and arrested for an Order neither of them has the power to enact.

14. If I am arrested, it could lead to the loss of my ability to volunteer with the Sheriff's office, problems with my employment, loss of my concealed handgun permit, or other ramifications that are currently unknown to me.

15. The Second Amendment right states that my God-given, preexisting, natural right to self-defense "shall not be infringed," and yet the Governor and her Secretary are blatantly infringing on that right.

16. I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 9, 2023



RANDY DONK